



Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603

**VARIANCE
DECISION**

ZBA Case# FY08-31

Zone: Residence A

Property Location:

Street Address: 49 Henry Street, Uxbridge, MA

Town of Uxbridge Assessor's Map 19, Parcel 3285

Worcester County District Registry of Deeds' Bk. 10623, Pg. 308

Applicant Name(s)/Owner Name(s):

Mr. Ken Barry/Ms. Verna Dallaire/Ms. Juanita Maynard

BACKGROUND

The applicants/owners of record Mr. Ken Barry/Ms. Verna Dallaire/Ms. Juanita Maynard are seeking a Variance from the Zoning By-laws on property located at 49 Henry Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 19, Parcel 3285 and recorded in the Worcester County District Registry of Deeds Book 10623, Page 308 located in the Residence A Zoning District to construct a 3-car detached garage. The proposed lot lacks the required area of 20,000 square feet and the required corner lot frontage of 140 feet. The plot plan shows an area of 9,981 feet (a shortage of 10,019 square feet), and corner lot frontage of 100 feet (a shortage of 40 feet). The proposed structure would lie within the side and rear setbacks of 25 feet and 30 feet, respectively. The plan shows a proposed 10.7 feet for the side setback and 14.2 feet for the rear setback (shortages of 14.3 feet and 15.8 feet, respectively).

SUBMITTALS

Application form and materials, received March 20, 2008, and including the application form, copy of abutters list, plot plan and fees.

DELIBERATIONS AND DECISION

At a meeting of the Town of Uxbridge Zoning Board of Appeals a duly noticed public hearing was opened on May 7, 2008.

Mr. Barry was present and discussed the proposed 3-car detached garage (34' x 24'). Areas of concern included close proximity to the neighbor, the location/size of the structure, and drainage. It was noted that there were several updated letters from the Building Inspector describing the Area Regulations, most recently dated 5/7/08.

Following the public hearing, a **MOTION** was made by Mr. Bentley to approve the application for Variance, finding that the shape of the lot and the topography of the land are such that there would be a hardship if the applicant was forced to comply with the Zoning Bylaws, due to the small size of the lot, drainage concerns, and rear setbacks. In addition, the board finds that this does not affect any other lots in the neighborhood and is not detrimental to the public. The board approves the proposed construction of the 3-car garage (34' x 24') in the manner set forth on the ZBA Plan submitted dated March 10, 2008 drawn by Andrews Survey & Engineering with the following conditions:

1. The drainage shall be tilted or directed to Henry Street to avoid impacting the direct abutter.
2. The garage shall not be used for dwelling purposes.
3. There shall be no plumbing service in the loft area.

Seconded by Mr. Desilets, the motion carried unanimously.

Voting Board Member Signatures:

Mark Wickstrom

Thomas Bentley

Bruce Desilets

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: ATTEST

***YOU ARE REMINDED OF YOUR
RESPONSIBILITY TO RECORD THE
DECISION AT THE REGISTRY OF
DEEDS PER THE CERTIFICATE OF
GRANTING**

Town Clerk/Assistant Town Clerk

Town Seal